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SENATE BILL 6415

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State of Washington

64th Legislature

2016 Regular Session

By Senators Rolfes, Rivers, Parlette, Cleveland, Bailey, Jayapal, McAuliffe, Ranker, Warnick, Angel, Benton, and Hasegawa

Read first time 01/20/16. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to career and technical education materials,  
2 supplies, and operating costs; amending RCW 28A.150.260; reenacting  
3 and amending RCW 28A.150.260; and providing effective dates.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28A.150.260 and 2014 c 217 s 206 are each amended to  
6 read as follows:

7 The purpose of this section is to provide for the allocation of  
8 state funding that the legislature deems necessary to support school  
9 districts in offering the minimum instructional program of basic  
10 education under RCW 28A.150.220. The allocation shall be determined  
11 as follows:

12 (1) The governor shall and the superintendent of public  
13 instruction may recommend to the legislature a formula for the  
14 distribution of a basic education instructional allocation for each  
15 common school district.

16 (2) The distribution formula under this section shall be for  
17 allocation purposes only. Except as may be required under chapter  
18 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and  
19 regulations, nothing in this section requires school districts to use  
20 basic education instructional funds to implement a particular  
21 instructional approach or service. Nothing in this section requires

1 school districts to maintain a particular classroom teacher-to-  
2 student ratio or other staff-to-student ratio or to use allocated  
3 funds to pay for particular types or classifications of staff.  
4 Nothing in this section entitles an individual teacher to a  
5 particular teacher planning period.

6 (3)(a) To the extent the technical details of the formula have  
7 been adopted by the legislature and except when specifically provided  
8 as a school district allocation, the distribution formula for the  
9 basic education instructional allocation shall be based on minimum  
10 staffing and nonstaff costs the legislature deems necessary to  
11 support instruction and operations in prototypical schools serving  
12 high, middle, and elementary school students as provided in this  
13 section. The use of prototypical schools for the distribution formula  
14 does not constitute legislative intent that schools should be  
15 operated or structured in a similar fashion as the prototypes.  
16 Prototypical schools illustrate the level of resources needed to  
17 operate a school of a particular size with particular types and grade  
18 levels of students using commonly understood terms and inputs, such  
19 as class size, hours of instruction, and various categories of school  
20 staff. It is the intent that the funding allocations to school  
21 districts be adjusted from the school prototypes based on the actual  
22 number of annual average full-time equivalent students in each grade  
23 level at each school in the district and not based on the grade-level  
24 configuration of the school to the extent that data is available. The  
25 allocations shall be further adjusted from the school prototypes with  
26 minimum allocations for small schools and to reflect other factors  
27 identified in the omnibus appropriations act.

28 (b) For the purposes of this section, prototypical schools are  
29 defined as follows:

30 (i) A prototypical high school has six hundred average annual  
31 full-time equivalent students in grades nine through twelve;

32 (ii) A prototypical middle school has four hundred thirty-two  
33 average annual full-time equivalent students in grades seven and  
34 eight; and

35 (iii) A prototypical elementary school has four hundred average  
36 annual full-time equivalent students in grades kindergarten through  
37 six.

38 (4)(a)(i) The minimum allocation for each level of prototypical  
39 school shall be based on the number of full-time equivalent classroom  
40 teachers needed to provide instruction over the minimum required

1 annual instructional hours under RCW 28A.150.220 and provide at least  
2 one teacher planning period per school day, and based on the  
3 following general education average class size of full-time  
4 equivalent students per teacher:

	General education average class size
5	
6	
7	Grades K-3. . . . . 25.23
8	Grade 4. . . . . 27.00
9	Grades 5-6. . . . . 27.00
10	Grades 7-8. . . . . 28.53
11	Grades 9-12. . . . . 28.74

12 (ii) The minimum class size allocation for each prototypical high  
13 school shall also provide for enhanced funding for class size  
14 reduction for two laboratory science classes within grades nine  
15 through twelve per full-time equivalent high school student  
16 multiplied by a laboratory science course factor of 0.0833, based on  
17 the number of full-time equivalent classroom teachers needed to  
18 provide instruction over the minimum required annual instructional  
19 hours in RCW 28A.150.220, and providing at least one teacher planning  
20 period per school day:

	Laboratory science average class size
21	
22	
23	Grades 9-12. . . . . 19.98

24 (b) During the 2011-2013 biennium and beginning with schools with  
25 the highest percentage of students eligible for free and reduced-  
26 price meals in the prior school year, the general education average  
27 class size for grades K-3 shall be reduced until the average class  
28 size funded under this subsection (4) is no more than 17.0 full-time  
29 equivalent students per teacher beginning in the 2017-18 school year.

30 (c) The minimum allocation for each prototypical middle and high  
31 school shall also provide for full-time equivalent classroom teachers  
32 based on the following number of full-time equivalent students per  
33 teacher in career and technical education:

	Career and technical education average class size
34	
35	
36	
37	Approved career and technical education offered at
38	the middle school and high school level. . . . . 26.57

1 Skill center programs meeting the standards established  
 2 by the office of the superintendent of public  
 3 instruction. . . . . 22.76

4 (d) In addition, the omnibus appropriations act shall at a  
 5 minimum specify:

6 (i) A high-poverty average class size in schools where more than  
 7 fifty percent of the students are eligible for free and reduced-price  
 8 meals; and

9 (ii) A specialty average class size for advanced placement and  
 10 international baccalaureate courses.

11 (5) The minimum allocation for each level of prototypical school  
 12 shall include allocations for the following types of staff in  
 13 addition to classroom teachers:

	Elementary	Middle	High
	School	School	School
14 Principals, assistant principals, and other certificated building-level			
15 administrators. . . . .	1.253	1.353	1.880
16 Teacher librarians, a function that includes information literacy, technology,			
17 and media to support school library media programs. . . . .	0.663	0.519	0.523
18 Health and social services:			
19 School nurses. . . . .	0.076	0.060	0.096
20 Social workers. . . . .	0.042	0.006	0.015
21 Psychologists. . . . .	0.017	0.002	0.007
22 Guidance counselors, a function that includes parent outreach and graduation			
23 advising. . . . .	0.493	1.116	2.539
24 Teaching assistance, including any aspect of educational instructional services			
25 provided by classified employees. . . . .	0.936	0.700	0.652
26 Office support and other noninstructional aides. . . . .	2.012	2.325	3.269
27 Custodians. . . . .	1.657	1.942	2.965
28 Classified staff providing student and staff safety. . . . .	0.079	0.092	0.141
29 Parent involvement coordinators. . . . .	0.00	0.00	0.00

32 (6)(a) The minimum staffing allocation for each school district  
 33 to provide district-wide support services shall be allocated per one  
 34 thousand annual average full-time equivalent students in grades K-12  
 35 as follows:

1		Staff per 1,000
2		K-12 students
3	Technology. . . . .	0.628
4	Facilities, maintenance, and grounds. . . . .	1.813
5	Warehouse, laborers, and mechanics. . . . .	0.332

6 (b) The minimum allocation of staff units for each school  
7 district to support certificated and classified staffing of central  
8 administration shall be 5.30 percent of the staff units generated  
9 under subsections (4)(a) and (b) and (5) of this section and (a) of  
10 this subsection.

11 (7) The distribution formula shall include staffing allocations  
12 to school districts for career and technical education and skill  
13 center administrative and other school-level certificated staff, as  
14 specified in the omnibus appropriations act.

15 (8)(a) Except as provided in (b) and (c) of this subsection, the  
16 minimum allocation for each school district shall include allocations  
17 per annual average full-time equivalent student for the following  
18 materials, supplies, and operating costs, to be adjusted for  
19 inflation from the 2008-09 school year:

20		Per annual average
21		full-time equivalent student
22		in grades K-12
23	Technology. . . . .	\$54.43
24	Utilities and insurance. . . . .	\$147.90
25	Curriculum and textbooks. . . . .	\$58.44
26	Other supplies and library materials. . . . .	\$124.07
27	Instructional professional development for certified and	
28	classified staff. . . . .	\$9.04
29	Facilities maintenance. . . . .	\$73.27
30	Security and central office. . . . .	\$50.76

31 (b) During the 2011-2013 biennium, the minimum allocation for  
32 maintenance, supplies, and operating costs shall be increased as  
33 specified in the omnibus appropriations act. The following  
34 allocations, adjusted for inflation from the 2007-08 school year, are  
35 provided in the 2015-16 school year, after which the allocations  
36 shall be adjusted annually for inflation as specified in the omnibus  
37 appropriations act:

38 Per annual average

1	full-time equivalent student	
2	in grades K-12	
3	Technology. . . . .	\$113.80
4	Utilities and insurance. . . . .	\$309.21
5	Curriculum and textbooks. . . . .	\$122.17
6	Other supplies and library materials. . . . .	\$259.39
7	Instructional professional development for certificated and	
8	classified staff. . . . .	\$18.89
9	Facilities maintenance. . . . .	\$153.18
10	Security and central office administration. . . . .	\$106.12

11 (c) In addition to the amounts provided in (a) and (b) of this  
12 subsection, beginning in the 2014-15 school year, the omnibus  
13 appropriations act shall provide the following minimum allocation for  
14 each annual average full-time equivalent student in grades nine  
15 through twelve for the following materials, supplies, and operating  
16 costs, to be adjusted annually for inflation:

17	Per annual average	
18	full-time equivalent student	
19	in grades 9-12	
20	Technology. . . . .	\$36.35
21	Curriculum and textbooks. . . . .	\$39.02
22	Other supplies and library materials. . . . .	\$82.84
23	Instructional professional development for certificated and	
24	classified staff. . . . .	\$6.04

25 (9) In addition to the amounts provided in subsection (8) of this  
26 section, the omnibus appropriations act shall provide an amount based  
27 on full-time equivalent student enrollment in each of the following:

28 (a) Exploratory career and technical education courses for  
29 students in grades seven through twelve at a rate equal or greater  
30 than 1.4 times the general education amounts provided in subsection  
31 (8)(b) of this section;

32 (b) Preparatory career and technical education courses for  
33 students in grades nine through twelve offered in a high school at a  
34 rate equal or greater than 1.4 times the general education amounts  
35 provided in subsection (8)(b) of this section; and

36 (c) Preparatory career and technical education courses for  
37 students in grades eleven and twelve offered through a skill center  
38 at a rate equal or greater than 1.245 times the general education  
39 amounts provided in subsection (8)(b) of this section.

1 (10) In addition to the allocations otherwise provided under this  
2 section, amounts shall be provided to support the following programs  
3 and services:

4 (a) To provide supplemental instruction and services for  
5 underachieving students through the learning assistance program under  
6 RCW 28A.165.005 through 28A.165.065, allocations shall be based on  
7 the district percentage of students in grades K-12 who were eligible  
8 for free or reduced-price meals in the prior school year. The minimum  
9 allocation for the program shall provide for each level of  
10 prototypical school resources to provide, on a statewide average,  
11 1.5156 hours per week in extra instruction with a class size of  
12 fifteen learning assistance program students per teacher.

13 (b) To provide supplemental instruction and services for students  
14 whose primary language is other than English, allocations shall be  
15 based on the head count number of students in each school who are  
16 eligible for and enrolled in the transitional bilingual instruction  
17 program under RCW 28A.180.010 through 28A.180.080. The minimum  
18 allocation for each level of prototypical school shall provide  
19 resources to provide, on a statewide average, 4.7780 hours per week  
20 in extra instruction with fifteen transitional bilingual instruction  
21 program students per teacher. Notwithstanding other provisions of  
22 this subsection (10), the actual per-student allocation may be scaled  
23 to provide a larger allocation for students needing more intensive  
24 intervention and a commensurate reduced allocation for students  
25 needing less intensive intervention, as detailed in the omnibus  
26 appropriations act.

27 (c) To provide additional allocations to support programs for  
28 highly capable students under RCW 28A.185.010 through 28A.185.030,  
29 allocations shall be based on two and three hundred fourteen one-  
30 thousandths percent of each school district's full-time equivalent  
31 basic education enrollment. The minimum allocation for the programs  
32 shall provide resources to provide, on a statewide average, 2.1590  
33 hours per week in extra instruction with fifteen highly capable  
34 program students per teacher.

35 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
36 and (8) of this section shall be enhanced as provided under RCW  
37 28A.150.390 on an excess cost basis to provide supplemental  
38 instructional resources for students with disabilities.

39 (12)(a) For the purposes of allocations for prototypical high  
40 schools and middle schools under subsections (4) and (10) of this

1 section that are based on the percent of students in the school who  
2 are eligible for free and reduced-price meals, the actual percent of  
3 such students in a school shall be adjusted by a factor identified in  
4 the omnibus appropriations act to reflect underreporting of free and  
5 reduced-price meal eligibility among middle and high school students.

6 (b) Allocations or enhancements provided under subsections (4),  
7 (7), and (9) of this section for exploratory and preparatory career  
8 and technical education courses shall be provided only for courses  
9 approved by the office of the superintendent of public instruction  
10 under chapter 28A.700 RCW.

11 (13)(a) This formula for distribution of basic education funds  
12 shall be reviewed biennially by the superintendent and governor. The  
13 recommended formula shall be subject to approval, amendment or  
14 rejection by the legislature.

15 (b) In the event the legislature rejects the distribution formula  
16 recommended by the governor, without adopting a new distribution  
17 formula, the distribution formula for the previous school year shall  
18 remain in effect.

19 (c) The enrollment of any district shall be the annual average  
20 number of full-time equivalent students and part-time students as  
21 provided in RCW 28A.150.350, enrolled on the first school day of each  
22 month, including students who are in attendance pursuant to RCW  
23 28A.335.160 and 28A.225.250 who do not reside within the servicing  
24 school district. The definition of full-time equivalent student shall  
25 be determined by rules of the superintendent of public instruction  
26 and shall be included as part of the superintendent's biennial budget  
27 request. The definition shall be based on the minimum instructional  
28 hour offerings required under RCW 28A.150.220. Any revision of the  
29 present definition shall not take effect until approved by the house  
30 ways and means committee and the senate ways and means committee.

31 (d) The office of financial management shall make a monthly  
32 review of the superintendent's reported full-time equivalent students  
33 in the common schools in conjunction with RCW 43.62.050.

34 **Sec. 2.** RCW 28A.150.260 and 2015 c 2 s 2 (Initiative Measure No.  
35 1351) and 2014 c 217 s 206 are each reenacted and amended to read as  
36 follows:

37 The purpose of this section is to provide for the allocation of  
38 state funding that the legislature deems necessary to support school  
39 districts in offering the minimum instructional program of basic

1 education under RCW 28A.150.220. The allocation shall be determined  
2 as follows:

3 (1) The governor shall and the superintendent of public  
4 instruction may recommend to the legislature a formula for the  
5 distribution of a basic education instructional allocation for each  
6 common school district.

7 (2) The distribution formula under this section shall be for  
8 allocation purposes only. Except as required for class size reduction  
9 funding provided under subsection (4)(f) of this section and as may  
10 be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW,  
11 or federal laws and regulations, nothing in this section requires  
12 school districts to use basic education instructional funds to  
13 implement a particular instructional approach or service. Nothing in  
14 this section requires school districts to maintain a particular  
15 classroom teacher-to-student ratio or other staff-to-student ratio or  
16 to use allocated funds to pay for particular types or classifications  
17 of staff. Nothing in this section entitles an individual teacher to a  
18 particular teacher planning period.

19 (3)(a) To the extent the technical details of the formula have  
20 been adopted by the legislature and except when specifically provided  
21 as a school district allocation, the distribution formula for the  
22 basic education instructional allocation shall be based on minimum  
23 staffing and nonstaff costs the legislature deems necessary to  
24 support instruction and operations in prototypical schools serving  
25 high, middle, and elementary school students as provided in this  
26 section. The use of prototypical schools for the distribution formula  
27 does not constitute legislative intent that schools should be  
28 operated or structured in a similar fashion as the prototypes.  
29 Prototypical schools illustrate the level of resources needed to  
30 operate a school of a particular size with particular types and grade  
31 levels of students using commonly understood terms and inputs, such  
32 as class size, hours of instruction, and various categories of school  
33 staff. It is the intent that the funding allocations to school  
34 districts be adjusted from the school prototypes based on the actual  
35 number of annual average full-time equivalent students in each grade  
36 level at each school in the district and not based on the grade-level  
37 configuration of the school to the extent that data is available. The  
38 allocations shall be further adjusted from the school prototypes with  
39 minimum allocations for small schools and to reflect other factors  
40 identified in the omnibus appropriations act.

1 (b) For the purposes of this section, prototypical schools are  
2 defined as follows:

3 (i) A prototypical high school has six hundred average annual  
4 full-time equivalent students in grades nine through twelve;

5 (ii) A prototypical middle school has four hundred thirty-two  
6 average annual full-time equivalent students in grades seven and  
7 eight; and

8 (iii) A prototypical elementary school has four hundred average  
9 annual full-time equivalent students in grades kindergarten through  
10 six.

11 (4)(a)(i) The minimum allocation for each level of prototypical  
12 school shall be based on the number of full-time equivalent classroom  
13 teachers needed to provide instruction over the minimum required  
14 annual instructional hours under RCW 28A.150.220 and provide at least  
15 one teacher planning period per school day, and based on the  
16 following general education average class size of full-time  
17 equivalent students per teacher:

	General education average class size
21 Grades K-3. . . . .	17.00
22 Grade 4. . . . .	25.00
23 Grades 5-6. . . . .	25.00
24 Grades 7-8. . . . .	25.00
25 Grades 9-12. . . . .	25.00

26 (ii) The minimum class size allocation for each prototypical high  
27 school shall also provide for enhanced funding for class size  
28 reduction for two laboratory science classes within grades nine  
29 through twelve per full-time equivalent high school student  
30 multiplied by a laboratory science course factor of 0.0833, based on  
31 the number of full-time equivalent classroom teachers needed to  
32 provide instruction over the minimum required annual instructional  
33 hours in RCW 28A.150.220, and providing at least one teacher planning  
34 period per school day:

	Laboratory science average class size
37 Grades 9-12. . . . .	19.98

(b) During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

	Career and technical education average class size
Approved career and technical education offered at the middle school and high school level. . . . .	19.0
Skill center programs meeting the standards established by the office of the superintendent of public instruction. . . . .	16.0

(d) In addition, the omnibus appropriations act shall at a minimum specify a specialty average class size for advanced placement and international baccalaureate courses.

(e) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

	General education average class size in high poverty
Grades K-3. . . . .	15.0
Grade 4. . . . .	22.0
Grades 5-6. . . . .	23.0
Grades 7-8. . . . .	23.0
Grades 9-12. . . . .	23.0

(f)(i) Funding for average class sizes in this subsection (4) shall be provided only to the extent of, and proportionate to, the school district's demonstrated actual average class size, up to the funded class sizes.

(ii) Districts that demonstrate capital facility needs that prevent them from reducing actual class sizes to funded levels, may use funding in this subsection (4) for school-based personnel who provide direct services to students. Districts that use this funding for purposes other than reducing actual class sizes must annually report the number and dollar value for each type of personnel funded by school and grade level.

(iii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4).

(5) The minimum allocation for each level of prototypical school shall include allocations necessary for the safe and effective operation of a school, to meet individual student needs, and to ensure all required school functions can be performed by appropriately trained personnel, for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators.....	1.3	1.4	1.9
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs.....	1.0	1.0	1.0
Health and social services:			
School nurses.....	0.585	0.888	0.824
Social workers.....	0.311	0.088	0.127
Psychologists.....	0.104	0.024	0.049
Guidance counselors, a function that includes parent outreach and graduation advising.....	0.493	1.116	2.539
Teaching assistance, including any aspect of educational instructional services provided by classified employees.....	2.0	1.0	1.0
Office support and other noninstructional aides.....	3.0	3.5	3.5
Custodians.....	1.7	2.0	3.0
Classified staff providing student and staff safety.....	0.0	0.7	1.3
Parent involvement coordinators.....	1.0	1.0	1.0

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one

1 thousand annual average full-time equivalent students in grades K-12  
2 as follows:

	Staff per 1,000 K-12 students
3 Technology. . . . .	2.8
4 Facilities, maintenance, and grounds. . . . .	4.0
5 Warehouse, laborers, and mechanics. . . . .	1.9

6  
7  
8 (b) The minimum allocation of staff units for each school  
9 district to support certificated and classified staffing of central  
10 administration shall be 5.30 percent of the staff units generated  
11 under subsections (4)(a) and (b) and (5) of this section and (a) of  
12 this subsection.

13 (7) The distribution formula shall include staffing allocations  
14 to school districts for career and technical education and skill  
15 center administrative and other school-level certificated staff, as  
16 specified in the omnibus appropriations act.

17 (8)(a) Except as provided in (b) and (c) of this subsection, the  
18 minimum allocation for each school district shall include allocations  
19 per annual average full-time equivalent student for the following  
20 materials, supplies, and operating costs, to be adjusted for  
21 inflation from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
22 Technology. . . . .	\$54.43
23 Utilities and insurance. . . . .	\$147.90
24 Curriculum and textbooks. . . . .	\$58.44
25 Other supplies and library materials. . . . .	\$124.07
26 Instructional professional development for certified and 27 classified staff. . . . .	\$9.04
28 Facilities maintenance. . . . .	\$73.27
29 Security and central office. . . . .	\$50.76

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31  
32  
33 (b) During the 2011-2013 biennium, the minimum allocation for  
34 maintenance, supplies, and operating costs shall be increased as  
35 specified in the omnibus appropriations act. The following  
36 allocations, adjusted for inflation from the 2007-08 school year, are  
37 provided in the 2015-16 school year, after which the allocations

1 shall be adjusted annually for inflation as specified in the omnibus  
2 appropriations act:

	Per annual average full-time equivalent student in grades K-12
3	
4	
5	
6	Technology. . . . . \$113.80
7	Utilities and insurance. . . . . \$309.21
8	Curriculum and textbooks. . . . . \$122.17
9	Other supplies and library materials. . . . . \$259.39
10	Instructional professional development for certificated and
11	classified staff. . . . . \$18.89
12	Facilities maintenance. . . . . \$153.18
13	Security and central office administration. . . . . \$106.12

14 (c) In addition to the amounts provided in (a) and (b) of this  
15 subsection, beginning in the 2014-15 school year, the omnibus  
16 appropriations act shall provide the following minimum allocation for  
17 each annual average full-time equivalent student in grades nine  
18 through twelve for the following materials, supplies, and operating  
19 costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
20	
21	
22	
23	Technology. . . . . \$36.35
24	Curriculum and textbooks. . . . . \$39.02
25	Other supplies and library materials. . . . . \$82.84
26	Instructional professional development for certificated and
27	classified staff. . . . . \$6.04

28 (9) In addition to the amounts provided in subsection (8) of this  
29 section, the omnibus appropriations act shall provide an amount based  
30 on full-time equivalent student enrollment in each of the following:

31 (a) Exploratory career and technical education courses for  
32 students in grades seven through twelve at a rate equal or greater  
33 than 1.4 times the general education amounts provided in subsection  
34 (8)(b) of this section;

35 (b) Preparatory career and technical education courses for  
36 students in grades nine through twelve offered in a high school at a  
37 rate equal or greater than 1.4 times the general education amounts  
38 provided in subsection (8)(b) of this section; and

1 (c) Preparatory career and technical education courses for  
2 students in grades eleven and twelve offered through a skill center  
3 at a rate equal or greater than 1.245 times the general education  
4 amounts provided in subsection (8)(b) of this section.

5 (10) In addition to the allocations otherwise provided under this  
6 section, amounts shall be provided to support the following programs  
7 and services:

8 (a) To provide supplemental instruction and services for  
9 underachieving students through the learning assistance program under  
10 RCW 28A.165.005 through 28A.165.065, allocations shall be based on  
11 the district percentage of students in grades K-12 who were eligible  
12 for free or reduced-price meals in the prior school year. The minimum  
13 allocation for the program shall provide for each level of  
14 prototypical school resources to provide, on a statewide average,  
15 1.5156 hours per week in extra instruction with a class size of  
16 fifteen learning assistance program students per teacher.

17 (b) To provide supplemental instruction and services for students  
18 whose primary language is other than English, allocations shall be  
19 based on the head count number of students in each school who are  
20 eligible for and enrolled in the transitional bilingual instruction  
21 program under RCW 28A.180.010 through 28A.180.080. The minimum  
22 allocation for each level of prototypical school shall provide  
23 resources to provide, on a statewide average, 4.7780 hours per week  
24 in extra instruction with fifteen transitional bilingual instruction  
25 program students per teacher. Notwithstanding other provisions of  
26 this subsection (10), the actual per-student allocation may be scaled  
27 to provide a larger allocation for students needing more intensive  
28 intervention and a commensurate reduced allocation for students  
29 needing less intensive intervention, as detailed in the omnibus  
30 appropriations act.

31 (c) To provide additional allocations to support programs for  
32 highly capable students under RCW 28A.185.010 through 28A.185.030,  
33 allocations shall be based on two and three hundred fourteen one-  
34 thousandths percent of each school district's full-time equivalent  
35 basic education enrollment. The minimum allocation for the programs  
36 shall provide resources to provide, on a statewide average, 2.1590  
37 hours per week in extra instruction with fifteen highly capable  
38 program students per teacher.

39 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
40 and (8) of this section shall be enhanced as provided under RCW

1 28A.150.390 on an excess cost basis to provide supplemental  
2 instructional resources for students with disabilities.

3 (12)(a) For the purposes of allocations for prototypical high  
4 schools and middle schools under subsections (4) and (10) of this  
5 section that are based on the percent of students in the school who  
6 are eligible for free and reduced-price meals, the actual percent of  
7 such students in a school shall be adjusted by a factor identified in  
8 the omnibus appropriations act to reflect underreporting of free and  
9 reduced-price meal eligibility among middle and high school students.

10 (b) Allocations or enhancements provided under subsections (4),  
11 (7), and (9) of this section for exploratory and preparatory career  
12 and technical education courses shall be provided only for courses  
13 approved by the office of the superintendent of public instruction  
14 under chapter 28A.700 RCW.

15 (13)(a) This formula for distribution of basic education funds  
16 shall be reviewed biennially by the superintendent and governor. The  
17 recommended formula shall be subject to approval, amendment or  
18 rejection by the legislature.

19 (b) In the event the legislature rejects the distribution formula  
20 recommended by the governor, without adopting a new distribution  
21 formula, the distribution formula for the previous school year shall  
22 remain in effect.

23 (c) The enrollment of any district shall be the annual average  
24 number of full-time equivalent students and part-time students as  
25 provided in RCW 28A.150.350, enrolled on the first school day of each  
26 month, including students who are in attendance pursuant to RCW  
27 28A.335.160 and 28A.225.250 who do not reside within the servicing  
28 school district. The definition of full-time equivalent student shall  
29 be determined by rules of the superintendent of public instruction  
30 and shall be included as part of the superintendent's biennial budget  
31 request. The definition shall be based on the minimum instructional  
32 hour offerings required under RCW 28A.150.220. Any revision of the  
33 present definition shall not take effect until approved by the house  
34 ways and means committee and the senate ways and means committee.

35 (d) The office of financial management shall make a monthly  
36 review of the superintendent's reported full-time equivalent students  
37 in the common schools in conjunction with RCW 43.62.050.

38 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect  
39 September 1, 2016.

1        NEW SECTION.    **Sec. 4.**    Section 2 of this act takes effect  
2    September 1, 2022.

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